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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,225	09/21/2000	Yasutaka Oda	826.1622/JDH	8592
21171	7590	08/31/2007	EXAMINER	
STAAS & HALSEY LLP			LIN, KENNY S	
SUITE 700			ART UNIT	
1201 NEW YORK AVENUE, N.W.			2152	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/667,225	Applicant(s) ODA ET AL.	
	Examiner Kenny Lin	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2007.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-7,9,10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7,9,10,13 and 14 is/are allowed.
- 6) ☒ Claim(s) 2-6,12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/22/07, 6/20/07</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 2-7, 9-10 and 12-18 are presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 5/22/2007 and 6/20/2007 has been entered.

3. The IDS submitted on 6/20/2007 and 5/22/2007 have been considered.
4. The indicated allowability of claims 2-3, 12 and 15-18 are withdrawn in view of the newly discovered reference(s) to JP11-184769 A. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 2-6 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following term lack proper antecedence basis:

- i. Claim 2, line 4 – a device (is this referring to the device introduced in line 1?)
- ii. Claim 12, line 5 – a device (is this referring to the device introduced in line 1?)

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 2-3, 12 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by JP11-184769 A, published on July 9, 1999.

9. JP11-184769 A is cited by the applicant in the IDS filed on 6/20/2007

10. As per claims 2, 17 and 18, JP11-184769 disclosed the claimed invention including a data delivering method delivering data to a device which is connected to a network, comprising:

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- a. Generating structure information including first information for identifying element data to be delivered to a destination device (see pp. 0018 of the translation: file name), second information for identifying a device which collects the element data (transfer source identity), and third information for identifying the destination device (transfer destination identity);
- b. Collecting element data according to the first information by the device identified by the second information (pp. 0019: transferring source “execution unit 3”); and
- c. Delivering the collected element data from the device identified by the second information to the destination device identified by the third information (pp. 0021).

11. As per claim 3, JP11-184769 disclosed the invention claimed in claim 2. JP11-184769 further disclosed that the structure information includes fourth information for assembling collected element data; and the collected element data is delivered to the destination device after being assembled by the device identified by the second information according to the fourth information (pp. 0018-0019: command, pp. 0021).

12. As per claim 12, JP11-184769 disclosed the claimed invention including a data delivering system delivering data to a device which is connected to a network, comprising:

- a. A first device which generates structure information including first information for identifying element data to be delivered to a destination device, second

information identifying a device which collects the element data, and third information for identifying the destination device (pp. 0018); and

- b. A second device which received the structure information from said first device, collects the element data according to the first information, and delivers the collected element data to the destination device according to the third information, when identified by the second information (pp. 0019, 0021).

13. As per claim 15, JP11-184769 disclosed the claimed invention including a delivery source device, arranged in a data delivering system where structure information including first information for identifying element data to be delivered to a destination device, second information for identifying a device that collects the element data, and third information for identifying the destination device is generated, the device identified by the second information collects the element data according to the first information, and the collected element data is delivered from the device identified by the second information to the destination device identified by the third information (pp. 0018-0021), comprising:

- a. A generating unit generating the structure information (pp. 0018: transfer management unit 2); and
- b. A transferring unit transferring the structure information to the device identified by the second information (pp. 0018-0019).

14. As per claim 16, JP11-184769 disclosed the claimed invention including a relay device, arranged in a data delivering system where structure information including first information for

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identifying element data to be delivered to a destination device, second information for identifying the relay device that collects the element data, and third information for identifying the destination device is generated by a delivery source device, and the element data identified by the first information is collected and delivered to the destination device according to the third information (pp. 0018-0019), comprising:

- a. A collecting unit collecting element data according to the first information (pp. 0019); and
- b. A transferring unit transferring the element data collected by said collecting unit to the destination device identified by the third information (pp. 0021).

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP11-184769 A.

17. As per claim 4, JP11-184769 disclosed the invention substantially as claimed in claim 2. JP 11-184769 did not specifically teach that the structure information to include fourth information for assembling collected element data; and the collected element data is assembled

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by the destination device according to the fourth information. Li taught a data delivering method to generate a structure information to include fourth information for assembling collected element data; and the collected element data is assembled by the destination device according to the fourth information (col.1, lines 41-55, col.7, lines 14-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of JP11-184769 with Li because Li's teaching of using sequence numbers in labeling the order of the packets of the message enables the data messaged delivered by JP11-184769's method to properly reconstruct the message back to the right order.

18. As per claim 6, JP11-184769 disclosed the invention substantially as claimed in claim 2. JP 11-184769 did not specifically teach that the destination device identified by the third information is set as the device identified by the second information in the structure information. However, the concept and advantage of intercommunication process is well known and expected in the art for delivering data within the same device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of JP11-184769 and further deliver the element data between applications or modules of the same device by setting the source device and the destination device to be the same device.

19. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP11-184769 A, in view of Li et al (LI), US 6,741,555.



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20. As per claim 5, JP11-184769 disclosed the invention substantially as claimed in claim 2. JP 11-184769 did not specifically teach that the third information specifies a destination group including a plurality of destination devices. However, the concept and advantage of delivering to a plurality of destination is well known and expected in the art. One examples of such method of multiple delivery is multicasting. It would have been obvious to one of ordinary skill in the art the time the invention was made to modify the teaching of JP11-184769 and deliver the element data to a plurality of devices listed in a multicasting group using multicasting method.

***Allowable Subject Matter***

21. Claims 7, 9-10 and 13-14 are previously allowed.

***Conclusion***

22. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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August 29, 2007